

REMARKS

The Applicants wish to thank the Examiner Jordan Marc Schwartz for the suggestions and points raised in the Office Action.

Pending claims

Through this Amendment, claims 1-3, 6-8, 13, 15, 19, 21, 24-26, 28, 31, 35-36, 39-41, 43, and 46 have been amended to more clearly point out and distinctly claim the invention. These amendments do not contain new matter and are fully supported by the specification. After these amendments are entered, forty eight (48) claims (claims 1-48) are pending.

Specification Rejection

The Abstract has been shortened. After amendment, the Abstract now has about 131 words. The last paragraph on page 7 has been amended to incorporate the Application Serial Number. Applicants respectfully request withdrawal of the rejection of the specification.

Rejection of Claims under 35 USC §112

Rejection, under 35 USC §112, second paragraph, of Claims 1, 3, 13, 19, 21, 26, 31, 35-36, 41, and 46 has been overcome by the amendments of these claims. Applicants respectfully request withdrawal of this rejection.

Claim Objection

Claims 2, 6-8, 15, 24, 25, 28, 39, 40, and 43 were objected to because of the presence of informalities present in these claims. This objection is overcome by the amendments of these claims. Applicants respectfully withdraw this objection.

Rejection of Claims under 35 USC §102

Claims 1-2, 13-14, 16, 19-20, 26-27, 29, 31-32, 35, 41-42, 44, and 46-47 were rejected under 35 USC §102(b) as being anticipated by Jacobstein (4,618,229). For the following reasons, the Examiner's rejection is respectfully traversed.

Applicant submit that the rejection is moot in view of the amendments of independent claims (claims 1, 19, and 35). Jacobstein discloses a bifocal contact lens which features a prism ballasted peripheral edge portion which incorporates a structural vent (Col. 3, lines 13-15). However, Jacobstein does not disclose nor suggest anything about a **transitional non-optical**

zone extending outwardly from the central optical zone and surrounding the central optical zone and about the transitional non-optical zone having a surface which provides a continuous transition from the central optical zone to the peripheral zone and ensures that the peripheral zone, the transitional non-optical zone and the central optical zone are tangent to each other. According to Jacobstein, zone 38 shown in Figure 6 is a near vision zone, i.e., an “added” power zone (col. 4, lines 20-23) and is an integral part of the central optical zone of a bifocal contact lens, whereas zone 42 is the “added” carrier which does not surround the central optical zone. Zone 42 does not function as the **transitional non-optical zone** of the invention to enable separate and independent designs of the central optical zone and the peripheral zone and to provide a continuous transition from the central optical zone to the peripheral zone (page 9, the 4th complete paragraph). Applicants respectfully submit that since Jacobstein does not disclose all of the limitations of the invention as currently claimed, the invention is patentable over Jacobstein. Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection.

Double Patenting Rejections

Claims 1, 3-4, 7-8, 10-13, 18-22, 25-26, 30-32, 35-37, 40-41, and 45-46 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-59 of copending Application No. 10/762,039 (Lindacher et al' 013). This rejection has been overcome by the terminal disclaimer submitted herewith.

Claims 1, 3-4, 7-8, 12-13, 19-22, 25-26, 32, 35-37, and 40-41 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-71 of copending Application No. 10/822,564 (Lindacher et al'807). This rejection has been overcome by the terminal disclaimer submitted herewith.

Claims 1, 3-4, 7-8, 12-13, 19-22, 25-26, 32, 35-37, and 40-41 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-59 of copending Application No. 10/766,194 (Lindacher et al' 526). This rejection has been overcome by the terminal disclaimer submitted herewith.

CONCLUSION

In view of the foregoing and in conclusion, Applicants submit that the pending claims are now in conditions for allowance. Applicants request reconsideration and withdrawal of the rejections set-forth in the Office Action.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Robert Gorman, CIBA Vision, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jian S. Zhou', is written over a horizontal line.

Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

Date: May 13, 2005

CIBA Vision
Patent Department
11460 Johns Creek Parkway
Duluth, GA 30097

ABSTRACT AMENDMENT

Please amend the Abstract as follows:

ABSTRACT

The ~~present~~ invention provides a contact lens which requires a predetermined orientation on an eye having an orientation feature that does not provide an prism optical distortion and can maintain a predetermined orientation of the lens on an eye. The ~~A~~ contact lens of the invention comprises an anterior surface and an opposite posterior surface. The anterior surface includes a vertical meridian, a horizontal meridian, a central optical zone, a ~~blending~~ transitional non-optical zone surrounding extending outwardly from the central optical zone, a peripheral zone surrounding the ~~blending~~ transitional non-optical zone, and an edge zone circumscribing and tangent to the peripheral zone. The presence of the transitional non-optical zone provides a continuous transition from the central optical zone to the peripheral zone and enables separate and independent designs of the central optical zone and the peripheral zone. Orientation features are incorporated only in the peripheral zone, does not provide an prism optical distortion, and can maintain a predetermined orientation of the lens on an eye. ~~the blending zone ensures that the peripheral zone, the blending zone and the central optical zone are tangent to each other. The peripheral zone has a surface that, in combination with the posterior surface, provides in the peripheral zone a lens thickness which is characterized (1) by having a lens thickness which increases progressively from the top of the lens downwardly along each of the vertical meridian and lines parallel to the vertical meridian until reaching a maximum value at a position between the optical zone and the edge zone and then decreases to the edge of the edge zone; or (2) by having a mirror symmetry with respect to a plane cutting through the vertical meridian, by having a substantially constant thickness in a region around the horizontal meridian and by having a thickness which decreases progressively from the horizontal meridian to the top or bottom of the contact lens along each of the vertical meridian and lines parallel to the vertical meridian.~~